

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Vincent L. Barr,)	C/A NO. 2:06-2201-CMC-RSC
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Williamsburg County, Alex Treme, and)	
Agent Curtis Keels,)	
)	
Defendants.)	
)	

This matter is before the court on Plaintiff's *pro se* complaint alleging that in 1999, Defendants conspired to violate his civil rights in contravention of S.C. Code Ann. § 16-5-10. Plaintiff alleges that Defendants "successfully conspired to impose a 4 yr. [sic] sentence upon the plaintiff in violation of due process." Complaint at 4 (Dkt. #1, filed Aug. 2, 2006). Plaintiff seeks the arrest of Defendant Keels and monetary damages.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Robert S. Carr for pre-trial proceedings and a Report and Recommendation. On August 23, 2006, the Magistrate Judge issued a Report recommending that the complaint be dismissed without prejudice and without issuance and service of process, and that this complaint be deemed a "strike" for the purposes of the "three strike" rule of 28 U.S.C. § 1915(g). The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff filed objections on August 30, 2006.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court.

See Mathews v. Weber, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's complaint fails to state a viable claim under 42 U.S.C. § 1983.

IT IS THEREFORE ORDERED that this matter is dismissed without prejudice and without issuance and service of process. This matter shall be counted as a "strike" under 28 U.S.C. § 1915(e)(2) and (g).

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 6, 2006

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